



**QUALCOMM Incorporated**

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July 28, 2005

Via ECFS

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Re: Oral Ex Parte Presentation in WT Docket No. 05-7**

Dear Ms. Dortch:

On behalf of QUALCOMM Incorporated ("QUALCOMM"), this is to report that yesterday, Kent Walker, Jan Lezny, and Jennifer McCarthy, and I of QUALCOMM and Bob duTreil, Jr. of Professional Communications Consultants, Inc. met with the following members of the staff of the Media Bureau: Keith Larson, John Wong, Gordon Godfrey, Hossein Hashemzadeh, Nai Tam, Wayne McKee, Sarah Mahmood, Alison Greenwald, and John Gabrysch. During the course of the meeting, we discussed QUALCOMM's Petition for Declaratory Ruling in the above-referenced docket.

During the meeting, we explained that the Engineering Exhibit in QUALCOMM's Petition assumed, consistent with the Commission's Part 73 Rules, that QUALCOMM's MediaFLO service would operate at 50 kilowatts Effective Radiated Power ("ERP") in both the vertical and horizontal polarizations. However, QUALCOMM now understands that the Wireless Bureau interprets the Part 27 Rules as not permitting operations at that level by a Lower 700 MHz licensee and instead interprets the Part 27 rules as permitting a Lower 700 MHz licensee such as QUALCOMM to transmit at 50 kilowatts total ERP in the sum of all polarizations. As a result, we stated that QUALCOMM plans to operate MediaFLO at 25 kilowatts ERP in each polarization (horizontal and vertical), for total ERP of 50 kilowatts, using a circularly polarized antenna. We said that this change means that the signal strength of MediaFLO's transmitters will be 3 dB less at any point than was assumed in the Engineering Exhibit to QUALCOMM's Petition.

In addition, we provided background information on the MediaFLO service that QUALCOMM, through its MediaFLO USA subsidiary, is launching on its Channel 55 spectrum, and we explained the vague aspects of Section 27.60 (b) (iii) of the Commission's rules—the fact that while the rule allows QUALCOMM to submit an engineering study to justify the proposed separations, the rule does not

specify the methodology to calculate interference to affected adjacent channel or co-channel TV/DTV stations; does not establish a level of *de minimis* interference, and does not explain how the Commission would process these engineering studies. To fill in these gaps in the rule, we asked for the relief requested in QUALCOMM's Petition, namely that: (i) QUALCOMM be permitted to use the OET 69 methodology, which is well known to the Commission and the TV industry, to calculate interference; (ii) interference of 2% or less from QUALCOMM's MediaFLO service to adjacent channel or co-channel TV/DTV stations be deemed *de minimis*, the same rule that governs interference from one DTV station to another on the same Channel 55 spectrum; and (iii) the Commission adopt streamlined processing of the engineering studies. Finally, we also stressed the need for an expeditious ruling on the Petition.

Respectfully submitted,

/s/ Dean R. Brenner

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Senior Director, Government Affairs  
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